

ORDINANCE NO. 11-18

ORDINANCE GRANTING A VARIANCE PERMIT TO ALLOW AN LED READER-BOARD ON PROPERTY ZONED COMMERCIAL OUTSIDE THE GEOGRAPHIC AREA WHERE LED SIGNS ARE PERMITTED AND WITHIN 220 FEET, MORE OR LESS, FROM PROPERTY ZONED RESIDENTIAL, WHERE A MINIMUM 300 FEET IS REQUIRED, CONTRA TO HIALEAH CODE §§ 74-149 (b) AND 74-149 (e). **PROPERTY LOCATED AT 1200 WEST 68 STREET, HIALEAH, FLORIDA.** REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board at its meeting of February 23, 2011, recommended approval of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: The below-described property is hereby granted a variance permit to allow an LED reader-board on property zoned commercial outside the geographic area where LED signs are allowed, contra to Hialeah Code §§ 74-149 (b) and 74-149 (e), which provide in pertinent part: “*Geographic area.* The LED regulations are limited to a geographic area comprising of three distinct areas: (1) properties fronting West 49 Street, from the west side of West 4 Avenue to West 20 Avenue; (2) properties fronting West 16 Avenue, from Okeechobee Road to West 49 Street; and (3) properties fronting Okeechobee Road, on the northern side, from West 16 Avenue to West 20 Avenue.” and

“Distance from residential-zoned properties. An LED sign shall be placed at a distance no less than a 300-foot radius from the property lines of a residential-zoned property.”, respectively. Property located at 1200 West 68 Street, Hialeah, Miami-Dade County, Florida, zoned C-2 (Liberal Retail Commercial District), and legally described as follows:

TRACT B, OF FIRST ADDITION TO WESTHAVEN HEIGHTS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 65, AT PAGE 42, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

LESS AND EXCEPT:

A PORTION OF TRACT B, OF FIRST ADDITION TO WESTHAVEN HEIGHTS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 65, AT PAGE 42, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF SAID TRACT B, SAID POINT LYING ON THE WEST RIGHT-OF-WAY LINE OF WEST 12 AVENUE, AS SHOWN ON SAID PLAT AND THE NORTHEAST CORNER OF LOT 10 IN BLOCK 17 OF SAID PLAT, THE FOLLOWING THREE COURSES BEING ALONG THE EAST AND NORTH BOUNDARY OF SAID TRACT B; (1) THENCE NORTH 00°00'00" EAST ALONG SAID WEST RIGHT-OF-WAY LINE OF WEST 12 AVENUE FOR 256.16 FEET TO A POINT OF CURVATURE; (2) THENCE NORTHWESTERLY ALONG A 25.00 FOOT RADIUS CURVE, LEADING TO THE LEFT, THROUGH A CENTRAL ANGLE OF 87°46'41" FOR AN ARC DISTANCE OF 38.30 FEET TO A POINT OF TANGENCY, SAID POINT LYING ON THE SOUTH RIGHT-OF-WAY LINE OF GRATIGNY ROAD (WEST 68 STREET) AS SHOWN ON SAID PLAT; (3) THENCE NORTH 87°46'41" WEST ALONG SAID SOUTH RIGHT-OF-WAY LINE FOR 180.57 FEET; THENCE SOUTH 02°13'19" WEST, AT RIGHT ANGLES TO THE PREVIOUS COURSE AND DEPARTING SAID SOUTH RIGHT-OF-WAY LINE, FOR 280.00 FEET TO A POINT

ON THE SOUTH BOUNDARY LINE OF SAID TRACT B; THENCE SOUTH 87°46'41" EAST ALONG SAID SOUTH BOUNDARY LINE FOR 215.48 FEET TO THE POINT OF BEGINNING.

THIS SITE LIES IN SECTION 35, TOWNSHIP 52 SOUTH, RANGE 40 EAST, CITY OF HIALEAH, MIAMI-DADE COUNTY, FLORIDA.

Section 2: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: Penalties.

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 4: Severability Clause.

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 5: Effective Date.

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED and ADOPTED this 22nd day of March, 2011.

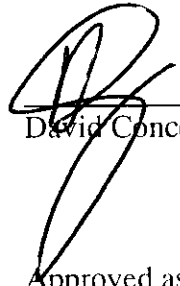
THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.



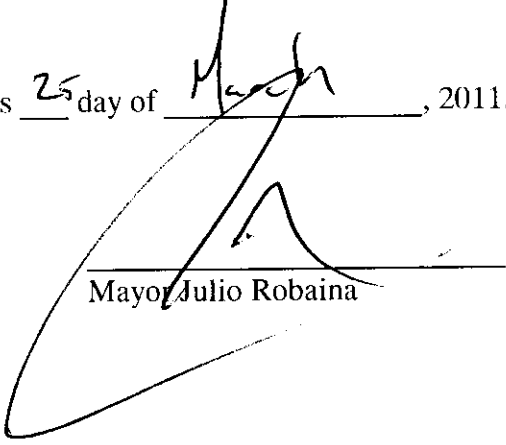
Carlos Hernandez
Council President

Attest:

Approved on this 25 day of March, 2011.



David Concepcion, Acting City Clerk



Mayor Julio Robaina

Approved as to form and legal sufficiency:



William M. Grodnick, City Attorney

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Ordinance was adopted by a unanimous vote with Councilmembers, Caragol, Casals-Muñoz, Cue-Fuente, Garcia-Martinez, Gonzalez, Hernandez, and Yedra voting "Yes".